

PETITION

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

COUNTY OF WILL, ILLINOIS)
DEPARTMENT OF HIGHWAYS,)
Petitioner)
vs.)

BURLINGTON NORTHERN AND SANTA FE)
RAILWAY COMPANY)

and)

STATE OF ILLINOIS)
DEPARTMENT OF TRANSPORTATION,)
Respondents)

Petition for an Order of the Illinois Commerce Commission Authorizing the establishment a separation of grades and construction of a bridge carrying Arsenal Road, a Will County highway, Will County, Illinois, over the tracks of said Railway Company, apportioning costs thereof and directing an appropriate portion thereof to be borne by the Grade Crossing Protection Fund.

PETITION

TO THE ILLINOIS COMMERCE COMMISSION:

Now comes the Petitioner, County of Will, Illinois by BOBBI PETRUNGARO and respectfully petitions the Honorable Commission as follows:

1. That petitioner has jurisdiction under the laws of the State of Illinois, being the Illinois Highway Code, over Arsenal Road, a part of the Will County Highway System, which carries local and statewide traffic across the Burlington Northern Santa Fe Railroad

COPY

RECEIVED
JAN 14 2002
Illinois Commerce Commission
RAIL SAFETY SECTION

No. T02-0002

DOCKETED

tracks in a generally east-west direction between Interstate I-55 and State Road IL 53.

2. That Arsenal Road, maintained by the Petitioner, is to be improved by widening, resurfacing and the overpassing of vehicular traffic at the Burlington Northern Santa Fe Railroad.

3. That said improvements are vitally needed by the County Highway System to accommodate the anticipated and continued growth of traffic in this section of Will County.

4. That the existing railroad traffic at this crossing is of moderate volume, comprised of freight trains, traveling at both slow and high speeds. The Deer Run Intermodal Facility, currently under construction and scheduled to begin service in August 2002, will greatly increase the frequency of train traffic at this crossing. The Deer Run Industrial Park, also currently under construction, will also generate large volumes of vehicle and truck traffic on Arsenal Road. The proposed grade separation will eliminate the frequent disruptions to traffic flow caused by railroad operations and provide for a more efficient highway system.

7. Petitioner proposes, therefore, to construct a grade separation involving a roadway bridge over the Burlington Northern Santa Fe Railway to provide for the public health, safety, welfare and convenience in the manner and upon the terms as shown on the consulting engineer's prints marked Exhibit 1 attached hereto and made a part hereof.

8. Petitioner also proposes that the existing grade crossing at Arsenal Road and the Burlington Northern Santa Fe Railroad remain

in place to allow access under the bridge for structure maintenance, track inspection, and environmental survey.

9. Petitioner also attaches Exhibit 2 hereto and makes a part hereof a copy of the Resolution No. 00-464, adopted November 16, 2001, authorizing a Preliminary Engineering Services Agreement for undertaking the study of the proposed grade crossing.

WHEREFORE, Petitioner prays that the Honorable Commission will set the aforesaid matter for hearing with notice to the Parties hereto, and after such hearing enter an Order, pursuant to 625 ILCS 5/18c-7401(3), the "Illinois Commercial Transportation Law", regarding a separation of grades by construction of the subject bridge crossing, and closure of the existing grade crossing, apportioning costs thereof, directing an appropriate portion thereof to be borne for the benefit of the statewide traveling public by the Grade Crossing Protection Fund and directing disbursements in relation thereto, all as may be necessary to preserve, promote and protect the safety and convenience of the public in the premises herein described.

The Petitioner further specially requests that all necessary steps be taken by the Honorable Commission to expedite, accelerate and advance upon its docket for immediate consideration, the matter of this Petition.

Respectfully submitted,
THE COUNTY OF WILL, ILLINOIS,

VERIFICATION

STATE OF ILLINOIS)
)
COUNTY OF WILL)

I, SHELDON C. LATZ, being duly sworn upon oath depose and say that I am Engineer for the County of Will, Illinois; that I have read the foregoing Petition by me subscribed and know the contents there of; that said contents are true in substance and in fact.

Sheldon C. Latz
COUNTY ENGINEER

SUBSCRIBED AND SWORN TO me this
8TH day of JANUARY, 2002.

Omar B. Kostelny
NOTARY PUBLIC

Sponsor

"OFFICIAL SEAL"
OMAR B. KOSTELNY
Notary Public, State of Illinois
My Commission Expires 8/6/2005

PROOF OF SERVICE

STATE OF ILLINOIS)
)
COUNTY OF WILL)

I, MARTIN A. ROSS, hereby certify that I have served true and correct copies of the foregoing petition to the following, by mailing the same to them by Federal Express (Account # 1131-3415-1) from Transystems Corporation, 1051 Perimeter Drive, Suite 1025, Schaumburg, IL 60173 this ____ day of _____, 2001.

Illinois Department of Transportation
Mr. James Slifer, Director
Division of Highways
Secretary of Transportation
2300 South Dirksen Parkway
Springfield, IL 62764

The Burlington Northern Santa Fe Railway Company
CT Corporation
208 South LaSalle Street
Chicago, IL 60604

The Burlington Northern Santa Fe Railway Company
W. Douglas Werner, Esq.
P.O. Box 961039
Forth Worth, TX 76161-0039

Martin A. Ross, P.E.
Project Manager

SUBSCRIBED AND SWORN TO me this
_____ day of _____, 20____.

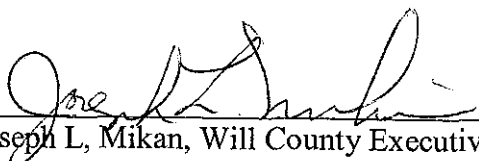
NOTARY

PUBLIC


VERIFICATION

STATE OF ILLINOIS)
)
 COUNTY OF WILL) SS

I, Joseph L. Mikan, being duly sworn upon oath depose and say that I am the Will County Executive, Will County, Illinois, that I have read the foregoing Petition by me subscribed and known the contents thereof, that said concerns are true in substance and in fact.


 Joseph L. Mikan, Will County Executive

Subscribed and sworn to before me this 20th day of December, 2001.


 Notary Public

(SEAL) OFFICIAL SEAL
 KAREN D BURKE
 NOTARY PUBLIC STATE OF ILLINOIS
 MY COMMISSION EXP. JULY 27, 2005

**JOLIET ARSENAL SITE DEVELOPMENT
WILL COUNTY, ILLINOIS**

CenterPoint Properties

PRELIMINARY PROJECT COST ESTIMATE -- ARSENAL ROAD BRIDGE AND APPROACHES

	Feet	Miles
PROJECT LENGTH:	2,395	0.45
TOTAL:	2,395	0.45

1. CONSTRUCTION

	<u>QTY.</u>	<u>UNIT</u>	<u>UNIT PRICE</u>	<u>TOTAL</u>
Roadway Reconstruction				
- Pavement Removal	6,387	SQ YD	\$10	\$ 63,867
- Earth Excavation	2,000	CU YD	\$5	\$ 10,000
- Embankment	152,700	CU YD	\$5	\$ 763,500
- Storm Sewer	2,000	FOOT	\$50	\$ 100,000
- Manholes	9	EACH	\$2,000	\$ 18,000
- Catchbasins / Inlets	18	EACH	\$1,200	\$ 21,600
- Aggregate subbase	15,080	SQ YD	\$6	\$ 90,477
- Full depth bituminous pavement	11,004	SQ YD	\$25	\$ 275,100
- Guardrail	1,000	FOOT	\$16	\$ 16,000
- Bituminous shoulders	4,076	SQ YD	\$25	\$ 101,889
- Concrete combination curb and gutter	0	FOOT	\$15	\$ -
Detention and Erosion Control	0.45	MILE	\$100,000	\$ 45,360
Sodding & Topsoil	23,448	SY	\$6	\$ 141,000
Signing & Striping	1	LSUM	\$17,000	\$ 17,000
Structure removal (Note 1)	1	LSUM	\$0	\$ -
Structure (560' x 75')	42,000	SF	\$140	\$ 5,880,000
Maintenance of Traffic	1	LSUM	\$75,000	\$ 75,000
Utility Adjustment not covered by permits	1	LSUM	\$300,000	\$ 300,000
Stage Construct RR Bridge embankment	1	LSUM	\$200,000	\$ 200,000
Miscellaneous (10%)			\$	\$ -
Contingency (10%)			\$	\$ 762,000

Subtotal -- Construction \$ 8,880,793

2. R.O.W. Acquisition (0 Parcels)

Subtotal -- R.O.W. \$ 0

3. ENGINEERING

Preliminary & Design Engineering (Note 2)	\$ 400,000
Construction Engineering	\$ 500,000
Subtotal -- Engineering	\$ 900,000

TOTAL: \$ 9,781,000

Notes:

- 1 Assume existing structure to remain in place
- 2 Design engineering based on TranSystems engineering agreement with Will County



Illinois Department of Transportation

Office of the Secretary
2300 South Dirksen Parkway / Springfield, Illinois / 62764
Telephone 217/782-5597

RECEIVED
00 AUG - 7 PM 1:56
DEPT OF HIGHWAYS

August 3, 2000

Honorable James Clementi
Village President
201 Mississippi Street
PO Box 435
Elwood, Illinois 60421

Mr. Charles Adelman
County Board Chairman
Will County
302 N. Chicago Street
Joliet, Illinois 60433

Dear Village President Clementi and Mr. Adelman:

We are pleased to inform you that Governor George H. Ryan has asked the department to provide assistance in funding roadway-related infrastructure improvements for the proposed Joliet Arsenal intermodal and industrial site. We understand that over the next five years, CenterPoint Properties and other industrial developers are expected to invest over \$1 billion and bring over 6,000 new jobs to Will County and the village of Elwood area. Funding will include 50 percent of eligible roadway engineering, contingencies and construction costs in an amount up to but not exceeding \$18,720,000 from the department's Economic Development Program (EDP). In addition, the department will contribute an estimated \$27 million for relocation and construction of the interchange of I-55 with Arsenal Road. The department's ability to participate in this project was made possible by Governor Ryan's Illinois FIRST Program.

Since September 1999, we have been a party to discussions with the Illinois Department of Commerce and Community Affairs, Joliet Arsenal Development Authority (JADA), CenterPoint's consultants, and Will County and Elwood officials. The objective of these discussions was to identify local sponsors and issues regarding the construction timing and funding of improvements to which we will commit. Accordingly, this letter is meant to commit roadway funds and provide additional details regarding transportation access improvements associated with the proposed Joliet Arsenal intermodal/industrial development as outlined below.

Arsenal Road (Will County)

The department will participate in reconstructing the roadway to four lanes with full shoulders and a 30-foot median from the I-55 interchange to Baseline Road for a length of 12,345 feet. The total IDOT funding commitment will be 50 percent of eligible costs up to a maximum of \$5,421,000. We understand that Will County will petition the Illinois Commerce Commission (ICC) for an estimated \$5,247,200 of eligible ICC funds for railroad grade crossing projects. We expect Will County to be the sponsor to design, construct and maintain this roadway segment.

Baseline Road (Will County)

The department will participate in reconstructing the roadway to four lanes with curb and gutter roadway with a 6-foot flush median, including a bridge over Jackson Creek, from Arsenal Road to Drummond Road for a distance of 5,300 feet. Also, the department will assist in constructing a two-lane curb and gutter roadway with a 12-foot flush median from Drummond Road to East Access Road for a distance of 3,000 feet. The third section of construction will be a two-lane roadway with full shoulders from East Access Road to South Industrial Park Drive for a distance of 7,800 feet. The department will commit 50 percent of eligible costs up to \$5,159,000 to construct these three segments of Baseline Road and will expect Will County to be the sponsor to design and construct them. After construction, we expect Will County to maintain Baseline Road from Arsenal Road to the East Access Road within the industrial park area and the village of Elwood to maintain all of Baseline Road south of the East Access Road.

East Access Road with Chicago Ave. Railroad relocation (Will County)

The department will participate in constructing a two-lane curb and gutter roadway with a 12-foot flush median from Baseline Road to Center Industrial Park Drive for a distance of 4,700 feet. The second section shall be constructed as a two-lane roadway with full shoulders, including a new Union Pacific railroad grade crossing from Center Industrial Park Drive to a new, improved IL Route 53 intersection for a total length of 5,900 feet. The department will commit 50 percent of eligible costs up to \$2,873,000 to construct these two segments of East Access Road. We expect Will County will be the sponsor to design, construct and maintain this roadway and will petition the ICC to relocate the Chicago Avenue/Union Pacific railroad grade crossing.

Manhattan Road (Will County)

The department will participate in reconstructing a two-lane roadway and re-shaping the existing shoulders from Baseline Road to Brandon Road for a distance of 10,600 feet. Also included is the reconstruction of a new bridge deck over Jackson Creek, upgrading the Union Pacific railroad crossing protection, and modernizing the traffic signals at the IL Route 53 intersection. The department will commit 50 percent of eligible costs up to \$1,665,000 to construct these segments of Manhattan Road. The purpose of this improvement is to provide alternate access for the intermodal site until other important site access roadways are constructed. We expect Will County to be the sponsor to design, construct and maintain this roadway segment and to petition the ICC for grade crossing protection funds.

Drummond Road (village of Elwood)

The department will participate in constructing a two-lane curb and gutter roadway with a 12-foot flush median from Baseline Road to a new Center Industrial Park Drive for a length of 4,140 feet. We will provide a total EDP commitment of 50 percent of eligible costs up to \$1,110,000. Construction of this road will not begin until CenterPoint Properties provides documents of additional committed industrial jobs sufficient to justify this investment. We expect the village of Elwood to design construct and maintain this roadway segment.

Center Industrial Park Drive (village of Elwood)

The department will participate in constructing a two-lane curb and gutter roadway with a 12-foot flush median from Drummond Road to the new East Access Road for a length of 2,885 feet. The department will commit 50 percent of eligible costs up to \$746,000. Construction of this road will not begin until CenterPoint Properties provides documentation of additional committed industrial jobs sufficient to justify this investment. We expect the village of Elwood to design, construct and maintain this roadway segment.

Main Street / Mississippi Avenue connector (village of Elwood)

The department will participate in constructing 2,400 feet of a two-lane roadway with full shoulders within the village of Elwood. Also, we will assist with the reconstruction of 3,500 feet of a two-lane curb and gutter roadway with a 12-foot center median in the Elwood business district. This segment of Main/Mississippi Avenue from Drummond Road to a new, improved IL Route 53 intersection will include the Union Pacific railroad grade protection. The department will commit 50 percent of eligible costs up to \$1,746,000 to construct these segments of Main Street and Mississippi Avenue. This improvement is meant to provide alternate access until the primary intermodal site access roadways are constructed. The village of Elwood is expected to sponsor the design, construction and maintenance of this roadway segment and petition the ICC for grade crossing protection funds.

I-55/Arsenal Road Interchange Relocation (State and Will County)

The I-55/Arsenal Road interchange will need to be relocated to provide adequate traffic capacity for both Arsenal Road and Interstate 55. Due to the department's current work and the need to expedite the design and construction of this interchange relocation, we understand that Will County agrees to sponsor and provide \$1,000,000 for the preliminary and design engineering consultant contracts. The department will include this project estimated to cost \$27 million in its multi-year program and will fund 100 percent of the remaining engineering, land acquisition, and construction cost.

Honorable James Clementi
Mr. Charles Adelman
August 3, 2000
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Recapture Provisions

The department's commitments for Arsenal Road, Baseline Road, and Manhattan Road necessary for adequate access to the intermodal facility, up to the maximum amounts specified above, will be subject to recapture provisions in the event of non-performance by the developer or its client. The developer and client have represented that the intermodal facility as proposed will result in a total capital investment of at least \$135 million by the day of opening and will cause the creation of 250 direct new jobs within 18 months of the day of opening. The department presumes that Will County concurs in this representation by virtue of its request for assistance from the department. Therefore, in the event of non-performance by the developer or its clients, the department, at its discretion, may seek to recapture expended funds up to a maximum amount of \$12.245 million from the county. This provision will be included in any state/local agreements executed between the department and Will County concerning funding participation by the department in the roadway improvements specified herein.

Notwithstanding the recapture provisions above, all commitments in this letter are contingent on the intermodal center locating at this site and leading to investments and industrial job opportunities consistent with those identified at the beginning of this letter. Any substantial modifications to or changes to the industrial job base at the location of this facility, or the failure of the intermodal facility to be built at this site will cause our commitment to be reevaluated. All proposed traffic signals must meet warrants for the 30th maximum hour year of opening to be eligible for funding assistance. Please note that any necessary land acquisition, sidewalks, landscaping, lighting or building demolition to construct these roadways will be the responsibility of the developer or appropriate local agency. Our district office in Schaumburg will contact you to formulate state/local joint agreements. Please note that any agreements must be fully executed prior to advertisement of these projects for construction.

In conclusion, we appreciate your cooperation and patience while details regarding our commitment are concluded. I wish to emphasize our continuing commitment to work as a supportive partner with CenterPoint Properties, JADA, Will County and the village of Elwood in making this development a reality.

Sincerely,



Kirk Brown
Secretary

cc: Michael E. Mullen, CenterPoint Properties
Walter Strawn, JADA Chairman
Sheldon Latz, Will County Engineer
Edward Graham, Elwood Attorney

RESOLUTION

702-0002


WHEREAS, the County, in order to facilitate the free flow of traffic and insure safety to the motoring public, is desirous of making improvements to the crossing at Arsenal Road (C.H. 17) and BNSF Railroad, County Section 00-00117-12-RP; and

WHEREAS, the County is desirous of said improvement in that same will be immediate benefit to the county residents and permanent in nature;

NOW THEREFORE BE IT RESOLVED, that the Will County Board request the Illinois Commerce Commission to hear the petition for the BNSF Railroad at Arsenal Road at grade crossing for the grade separation of the said highway and railroad and by constructing a new four (4) lane bridge on C.H. 17, a copy of which is attached hereto and made part hereof; and

BE IT FURTHER RESOLVED, that the County Executive and the County Clerk of Will County are hereby authorized to execute said agreement.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County, at my office in Joliet, in said County, this 20th day of December, 2001.



Will County Executive

(SEAL)



Will County Clerk

RECEIVED
JAN 14 2002

Illinois Commerce Commission
RAIL SAFETY SECTION

VOTE:

Yes	<u>26</u>
No	<u>0</u>
Pass	<u>0</u>